

SILLS CUMMIS & GROSS P.C.
Jaimee Katz Sussner, Esq.
Joshua N. Howley, Esq.
One Riverfront Plaza
Newark, New Jersey 07102
(973) 643-7000
Attorneys for Court-Appointed Receiver
Colliers International NJ, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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U.S. BANK NATIONAL ASSOCIATION,	:	Civil Action No. 19-cv-17865 (MCA)(LDW)
AS TRUSTEE FOR THE REGISTERED	:	
HOLDERS OF WELLS FARGO	:	
COMMERCIAL MORTGAGE	:	
SECURITIES, INC., MULTIFAMILY	:	
MORTGAGE PASS-THROUGH	:	
CERTIFICATES, SERIES 2018-SB51,	:	
	:	
and	:	
	:	
U.S. BANK NATIONAL ASSOCIATION,	:	
AS TRUSTEE FOR THE REGISTERED	:	
HOLDERS OF WELLS FARGO	:	
COMMERCIAL MORTGAGE	:	
SECURITIES, INC. MULTIFAMILY	:	
MORTGAGE PASS-THROUGH	:	
CERTIFICATES, SERIES 2018-SB55,	:	
	:	
and	:	
	:	
U.S. BANK NATIONAL ASSOCIATION,	:	
AS TRUSTEE FOR THE REGISTERED	:	
HOLDERS OF WELLS FARGO	:	
COMMERCIAL MORTGAGE	:	
SECURITIES, INC. MULTIFAMILY	:	
MORTGAGE PASS-THROUGH	:	
CERTIFICATES, SERIES 2018-SB57,	:	
	:	
and	:	
	:	
U.S. BANK NATIONAL ASSOCIATION,	:	
AS TRUSTEE FOR THE REGISTERED	:	
HOLDERS OF J.P. MORGAN CHASE	:	

**[PROPOSED] ORDER DIRECTING
RECEIVER TO DEPOSIT SURPLUS
FUNDS INTO THE TREASURY
REGISTRY**

COMMERCIAL MORTGAGE SECURITIES :
CORP. MULTIFAMILY MORTGAGE :
PASS-THROUGH CERTIFICATES SERIES :
2018-SB58, :

and :

WILMINGTON TRUST, NATIONAL :
ASSOCIATION, AS TRUSTEE FOR THE :
REGISTERED HOLDERS OF CREDIT :
SUISSE FIRST BOSTON MORTGAGE :
SECURITIES CORP. MULTIFAMILY :
MORTGAGE PASS-THROUGH :
CERTIFICATES, SERIES 2019-SB61, :

and :

U.S. BANK NATIONAL ASSOCIATION, :
AS TRUSTEE FOR THE REGISTERED :
HOLDERS OF J.P. MORGAN CHASE :
COMMERCIAL MORTGAGE SECURITIES :
CORP. MULTIFAMILY MORTGAGE :
PASS-THROUGH CERTIFICATES, SERIES :
2019-SB64, :

and :

OREC NJ, LLC, :

and :

THREE LINE-NJ1, LLC, :

Plaintiffs, :

v. :

LENOX TEMPLE LLC, LENOX LIBERTY :
LLC, LENOX HUDSON LLC, :
HACKENSACK NORSE LLC, :
ENGLEWOOD FUNDING LLC, :
PLAINFIELD NORSE, LLC, POST :
AVENUE VENTURES, LLC, FLR :
VENTURES LLC, BROOKLAWN NORSE, :
LLC, PENN NORSE LLC, GARFIELD :
NORSE LLC, ELIZABETH NORSE LLC, :
SUSSEX NORSE LLC, CLIFTON FL :

VENTURES LLC, BAYONNE
BROADWAY NORSE LLC, 137-139 THIRD
NORSE LLC, PASSAIC NORSE LLC,
PERTH NB VENTURES LLC, 2680
KENNEDY VENTURES LLC, FEDERAL
HOME LOAN MORTGAGE CORP., and
SETH LEVINE,

Defendants.

JLS EQUITIES, LLC A NEW YORK
LIMITED LIABILITY COMPANY.,

Plaintiff,

vs.

LENOX HUDSON, LLC, LENOX TEMPLE,
LLC, RIVER FUNDING, LLC, TEANECK
PLAZA VENTURES, LLC, SETH LEVINE,
and SHIRA LEVINE,

Defendants.

Civil Action No. 19-cv-17615 (MCA)(LDW)

ORDER DIRECTING DEPOSIT OF SURPLUS FUNDS

THIS MATTER having been opened by Colliers International NJ LLC, the Court-Ordered Receiver (the “**Receiver**” or “**Colliers**”) for the properties that are the subject of the above-referenced actions, by and through its undersigned attorneys, Sills Cummis & Gross P.C. (“**SCG**”), for an entry of an Order authorizing and directing Colliers to deposit surplus funds in the amount of \$318.81 in connection with the property located at 107-109 Hudson Street, Hackensack, NJ 07601 (the “**107-109 Hudson St. Property**”), previously owned by Defendant Lenox Hudson LLC (“**Lenox Hudson**”), and in the amount of \$6,708.78 in connection with the property located at 54-78 Temple Ave., Hackensack, NJ 07601 (the “**54-78 Temple Ave. Property**”), previously owned by Defendant Lenox Temple LLC (“**Lenox Temple**”); and

WHEREAS, Colliers was the Court-Appointed Receiver for the 107-109 Hudson St. Property and 54-78 Temple Ave. Property, pursuant to Orders of the Court entered (i) in *U.S. Bank National Association, as Trustee v. Lenox Temple LLC, et al.*, Civil Action No. 19-cv-17865 (the “**US Bank Action**”) on September 13, 2019 (ECF # 5), and amended on December 4, 2019 (ECF # 46), and (ii) *JLS Equities, LLC v. River Funding, LLC, et al.*, Civil Action No. 19-cv-17615-MCA-LDW (the “**JLS Action**,” and together with the US Bank Action, the “**Actions**”) on September 12, 2019 (ECF # 7), and amended on December 4, 2019 (ECF # 52) (together, the “**Receiver Order**”); and

WHEREAS, pursuant to Orders entered in the US Bank Action (ECF #140) and the JLS Action (ECF #141) on April 7, 2021 (together, the “**Sale Order**”), the Court approved the Receiver’s Motion to, *inter alia*, (i) sell the 107-109 Hudson St. Property and 54-78 Temple Ave. Property free and clear of all liens, claims and encumbrances of any Interested Parties, pursuant to the PSA between the Receiver and Buyer,¹ (ii) authorized the Receiver to distribute the net proceeds from the Sale, and (iii) authorized the Receiver to deposit any surplus proceeds with the Court; and

WHEREAS, no Interested Party has appealed the Sale Order, the Closing on the Sale of the Subject Properties was held, the Sale consummated on May 27, 2021, and title to the 107-109 Hudson St. Property and 54-78 Temple Ave. Property have been transferred to the Buyer; and

WHEREAS, pursuant to the Sale Order and PSA, the Buyer has assumed all responsibilities and liabilities for the ownership and operation of the Subject Properties following the Closing; and

¹ Unless otherwise indicated, all defined terms shall have the meaning ascribed to them in the Sale Order.

WHEREAS, on July 6, 2021, the Court approved and entered a Consent Order directing the Receiver to, *inter alia*, submit its final accounting for review and approval by this Court for the 107-109 Hudson St. Property and 54-78 Temple Ave. Property (the “Consent Order”) (ECF # 169); and

WHEREAS, on August 6, 2021, the Receiver submitted its final accountings for, *inter alia*, the 107-109 Hudson St. Property and 54-78 Temple Ave. Property (the “Final Accounting”) (ECF # 195)²; and

WHEREAS, no Interested Parties filed objections to the Final Accounting, and, by virtue of the Sale Order and the Consent Order, Colliers has been discharged as the Receiver with respect to Subject Properties, only; and

WHEREAS, following Colliers’ discharge as the Receiver for the Subject Properties, it received (i) a refund check for the 107-109 Hudson St. Property from PSE&G for prior utility payments in the amount of \$318.81 (the “107-109 Hudson St. Refund”),³ and (ii) refund checks for the 54-78 Temple Ave. Property from PSE&G for prior utility payments in the amounts of \$14.89 and \$4,280.80, and from Waste Management for prior vendor fees in the amount of \$2,413.09 (the “54-78 Temple Ave. Refund”) ⁴; and

² The Court entered an identical version of the Consent Order, dated December 9, 2021 in the JLS Action (ECF # 165). Aside from the deposit of the additional surplus funds identified herein, Colliers, having already submitted the Final Accounting, is recognized as discharged for the Subject Properties, only.

³ The 107-109 Hudson St. Refund check, originally payable to Colliers in its capacity as Receiver, was deposited by Colliers and re-issued to the United States District Court Clerk for deposit in the Court’s Registry. Copies of the original 107-109 Hudson St. Refund check, and the corresponding check issued from Colliers to the USDC Clerk’s Office, is attached hereto as Exhibit A.

⁴ The 54-78 Temple Ave. Refund checks, originally payable to Colliers in its capacity as Receiver, were deposited by Colliers and re-issued to the United States District Court Clerk in a single check for deposit in the Court’s Registry. Copies of the original 54-78 Temple Ave. Refund checks, and the corresponding check issued from Colliers to the USDC Clerk’s Office, is attached hereto as Exhibit B.

WHEREAS, Colliers seeks to deposit the 107-109 Hudson St. Refund and 54-78 Temple Ave. Refund as surplus with the District Court of New Jersey's Treasury Registry

IT IS, on this 16 day of Feb, 2021, ORDERED that:

1. In accordance with Paragraph 12 of the Sales Procedure Order, Paragraph 5 of the Sale Order, Paragraph 1 of the Consent Order, and pursuant to Fed. R. Civ. P. 67 and L. Civ. R. 67.1, the Receiver shall submit, and the Clerk of Court shall deposit into the non-interest bearing Court Registry, the 107-109 Hudson St. Refund totaling \$318.81 and the 54-78 Temple Ave. Refund totaling \$6,708.78, which amounts shall be distributed by the Court upon application of any Interested Party, in accordance with the amount and priority of the parties' liens and encumbrances upon each of the Subject Properties.

2. A copy of this Order shall be served upon all parties to the Actions and all Interested Parties within seven days of the date hereof.



HON. MADELINE COX ARLEO, U.S.D.J.

Exhibit A



Public Service Electric and Gas Company
P. O. BOX 330
NEWARK, NJ 07101

Page 1 of 1

DATE 08/09/2021

FOR SECURITY PURPOSES, THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK



Public Service Electric and Gas Company
P. O. BOX 330
NEWARK, NJ 07101

The Bank of New York (Delaware)
Newark, Delaware
CUSTOMER REFUND ACCOUNT
PURPOSE OF REFUND: A
ACCOUNT NUMBER:

0009901502296
62-35/311

N

DATE
08/09/2021

NET AMOUNT
\$*****318.81

PAY EXACTLY Three Hundred Eighteen And 81/100 Dollars

TO THE
ORDER OF

LENOX HUDSON LLC
COLLIERS INTERNATIONAL NJ LLC
300 INTERPACE PARKWAY BLDG C FL
PARSIPPANY, NJ 07054

39

AUTHORIZED SIGNATURE

ORIGINAL DOCUMENT PRINTED ON CHEMICALLY REACTIVE PAPER WITH ANGLOPRINTED BORDERS.

Lenox Hudson

d/b/a Colliers REMS US LLC, as Receiver
2550 West Tryon Rd., Suite 300
Charlotte, NC 28217

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Capital One
U.S. Bank National Ass'n v.
Englewood Funding, LLC, et al.
Civil Action No. 19-cv-17865
(MCA) (LDW)

*** THREE HUNDRED EIGHTEEN AND 81/100 DOLLARS

TO THE
ORDER OF

09/15/2021

\$318.81*****

CLERK -USDC
UNITED STATES DISTRICT COURT
50 WALNUT STREET ROOM 4015
NEWARK, NJ 07102

Spencer F. Whit



Security Features Included



Details on Back

Exhibit B

FILE #350096 08/30/21

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Public Service Electric and Gas Company
P. O. BOX 330
NEWARK, NJ 07101

Page 1 of 1

DATE 08/30/2021

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Public Service Electric and Gas Company
P. O. BOX 330
NEWARK, NJ 07101

The Bank of New York (Delaware)
Newark, Delaware
CUSTOMER REFUND ACCOUNT
PURPOSE OF REFUND: A
ACCOUNT NUMBER: 101

0009901508043
62-35/311

DATE	NET AMOUNT
08/30/2021	\$*****14.89

PAY EXACTLY Fourteen And 89/100 Dollars

TO THE
ORDER OF

LENOX TEMPLE
LL-A60-70TEMPLE-HACK
300 INTERPACE PARKWAY BLDG C FL
PARSIPPANY, NJ 07054

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AUTHORIZED SIGNATURE

SIGNATURE HAS A BLUE-GREEN BACKGROUND • BORDER CONTAINS MICROPRINTING IMP

FM #000000 042019
0009000

Case 2:19-cv-17865-MCA-LDW Document 167-1 Filed 12/15/21 Page 12 of 14 PageID: 5590



Public Service Electric and Gas Company
P. O. BOX 330
NEWARK, NJ 07101

Page 1 of 1

DATE 08/02/2021

FOR SECURITY PURPOSES, THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK



Public Service Electric and Gas Company
P. O. BOX 330
NEWARK, NJ 07101

The Bank of New York (Delaware)

Newark, Delaware
CUSTOMER REFUND ACCOUNT
PURPOSE OF REFUND: A
ACCOUNT NUMBER: (

0009901500576
62-35/311

N



DATE NET AMOUNT
08/02/2021 \$*****4,280.80

PAY EXACTLY Four Thousand Two Hundred Eighty And 80/100 Dollars

TO THE
ORDER OF

LENOX TEMPLE
COLLIERS INTERNATIONAL NJ LLC
300 INTERPACE PARKWAY BLDG C FL
PARSIPPANY, NJ 07054

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AUTHORIZED SIGNATURE

SIGNATURE HAS A BLUE-GREEN BACKGROUND - BORDER CONTAINS MICROPRINTING MP



WASTE MANAGEMENT
PO BOX 3027
866-570-4702
HOUSTON, TX 77253-3027

Check No. 0015337598
Check Date 08/30/2021
Check Amount \$2,413.09



1PS-001503 0001 0001 001503

LENOX TEMPLE LLC
300 INTERPACE PKWY BLDG C FL 3
PARSIPPANY NJ 07054-1100

INVOICE AND PAYMENT STATUS CAN
BE REVIEWED ONLINE AT
[HTTP://WM.INVOICETINFO.COM](http://WM.INVOICETINFO.COM)



Page 1 of 1

Date	Invoice No/Description	Amount	Discount	Total Due
08/27/2021	13007 54 TEMPLE AVE	\$2,413.09		\$2,413.09
TOTAL				\$2,413.09

PLEASE FOLD ON PERFORATION AND DETACH HERE

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



WASTE MANAGEMENT
PO BOX 3027
866-570-4702
HOUSTON, TX 77253-3027

98
August 30, 2021
70-2328/719
VOID AFTER 90 DAYS

Amount: **Two Thousand Four Hundred Thirteen dollars and 09 cents**

\$2,413.09

Pay to the order of
LENOX TEMPLE LLC
300 INTERPACE PKWY BLDG C FL 3
PARSIPPANY NJ 07054-1100

Bank of America N.A.
Commercial Disbursement Account
Northbrook, IL 60067

David L. Reed

AUTHORIZED SIGNATURE

Lenox Temple

d/b/a Colliers REMS US LLC, as Receiver
2550 West Tyvola Rd., Suite 300
Charlotte, NC 28217

Capital One

U.S. Bank National Ass'n v.
Englewood Funding, LLC, et al.
Civil Action No. 19-cv-17865
(MCA) (LDW)

488

**** SIX THOUSAND SEVEN HUNDRED EIGHT AND 78/100 DOLLARS

TO THE
ORDER OF

09/15/2021

\$6,708.78****

CLERK -USDC

UNITED STATES DISTRICT COURT
50 WALNUT STREET ROOM 4015
NEWARK, NJ 07102

Spencer Whit



Security Features included



Details on back